



MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Jennifer Steingasser, Deputy Director Development Review & Historic Preservation

DATE: April 5, 2011

SUBJECT: BZA Case No.18197, 1211 10th Street, NW

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) recommends the Board of Zoning Adjustment (BZA) **deny** the requested variances from the requirements of:

- § 401.3, minimum lot area (3,600 sq. ft. required for the requested 4 units; 2,309 sq. ft. existing)
- § 403.2, maximum lot occupancy (40% permitted, 55% existing, 61.3% proposed)
- § 406.1 closed court dimensions (15' width and 350 sq. ft. required; 12.33' and 160 sq. ft. area proposed).

Because the applicant proposes to increase the grandfathered non-conforming lot occupancy by an additional 6.3%, the proposed design also appears to require relief from § 2001.3, the regulations governing enlargements to non-conforming structures.

OP further notes that the existing lot is also non-conforming to lot width requirements for a semi-detached dwelling (30' required, 25.7 existing) but would conform to lot width requirements for the proposed row dwelling.

The above-noted relief would be required to enable the proposed construction of an addition and the conversion of a detached single-family structure in an R-4 zone to a 4-unit apartment building.

II. AREA AND SITE DESCRIPTION

Applicant	Charles Sisson	Legal Description:	Square 382, Lot 82
Address:	1211 10 th Street, NW	Ward: 2	ANC 2F
Zoning:	R-4	Historic Preservation:	Blagden Alley.
Lot Characteristics	Level, rectangular mid-block lot		
Adjacent Properties:	North, semi-detached rowhouse converted to apartments; South, vacant parcel.		
Neighborhood Character:	Rowhouses, rowhouses converted to apartments and condominiums; medium density apartment buildings to south, north and west. Moderate-scaled commercial and light-industrial properties in C-2-A zone to east. Alley to south, adjacent to vacant property. High density residential construction south of M Street.		
Proposal	The applicant proposes to: 1) construct additions that would convert the semi-detached house to a rowhouse (by filling in the side yard) and 2) convert the single family structure to a 4-unit apartment building.		



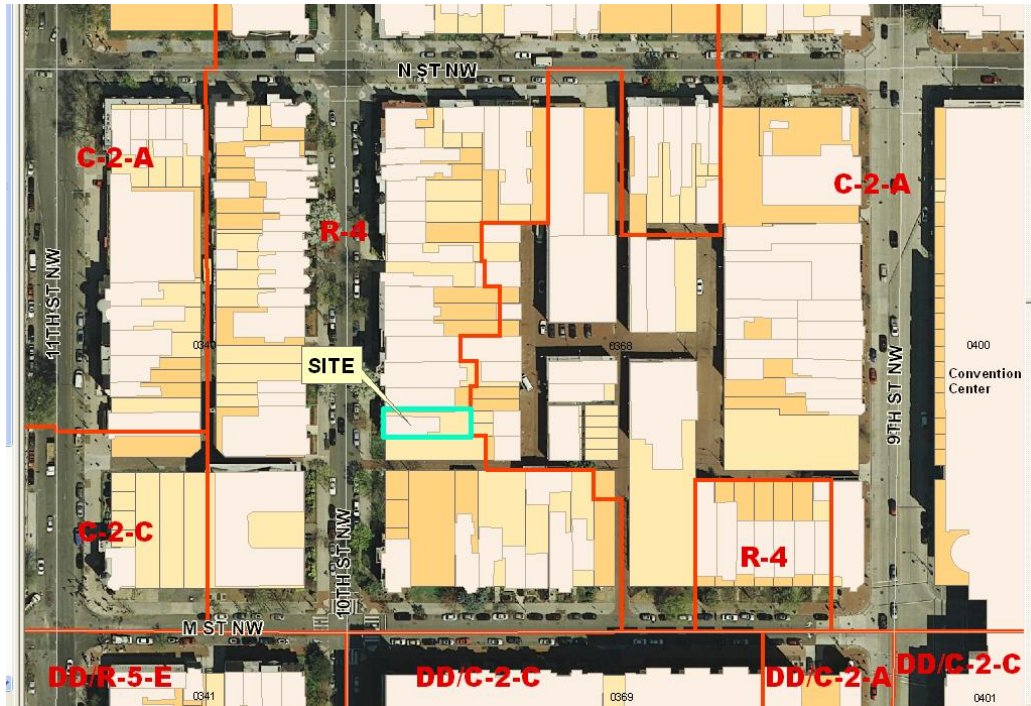


Figure 1. Site Location

III. ZONING REQUIREMENTS and REQUESTED RELIEF

	Required / Permitted	Existing	Proposed	Relief
Lot Area §401.3 (DCRA cited §403.1)	3600 sq. ft. for proposed 4 dwelling units	2309.4 sq. ft.	Same	1290.6 sq.ft i.e., 322.5 sf /unit 36% relief
Lot Width	<u>Existing</u> : 30' min; <u>Proposed</u> : n/a	25.66 Ft.	Same	none
Lot Occ. §403.2	<u>Existing</u> : 40% max (single-family) <u>Proposed</u> : 60% max (rowhouse)	Approx. 55% (grandfathered)	61.3%	1.3%
Height	40' - 3 stories	35' - 3 stories	Same	none
Parking	0 under §§ 2120.3 &.4	0	Same	none
Rear Yd.	20' min	Not clear	26'	None
Side Yd.	8' if provided	5'11"	none	None
Closed Ct. §406.1	<u>Existing</u> : ≥ 6' (open ct.) <u>Proposed</u> : closed ct. width = 4" width /1'height but ≥ 15'; Closed ct. area = 2x (the square of the required width) but ≥ 350sf	5'5" x 10'	Width,12. 33' Area, 160 sq. ft.	Width: -2.67ft. i.e., - 18% Area: -190 sq.ft. i.e., -54%

Table 1: Zoning Requirements and Requested Relief

IV. ANALYSIS OF REQUESTED RELIEF

a. Uniqueness Resulting in a Practical Difficulty

The applicant has not demonstrated unique or exceptional circumstances leading to a practical difficulty. The applicant has not documented the property's stated deteriorated condition, or demonstrated that the expenses of retaining and maintaining the structure require the requested:

- Doubling of the number of units permitted as a matter of right on the small, non-conforming site;
- Creation of a non-conforming closed court; or
- Increase in the lot occupancy.

b. No Substantial Detriment to the Public Good

The granting of relief for an additional units would not likely result in substantial harm to the public good. Any development of the historic property would not be required to supply parking. However, OP notes that despite the applicant's statement that a prospective tenant would be able to rent long-term parking in the Washington Convention Center garage, the Convention Center has indicated they do not rent parking to the public.

c. No Substantial Harm to the Zoning Regulations

The application includes no substantive attempt to demonstrate the existence of an exceptional condition that leads to a practical difficulty in developing the property within the matter-of right regulations or even with options that require a lesser degree of relief. The proposed conversion of an existing house to a four unit apartment building would substantially impair the intent of the Zoning Regulations by creating an apartment on a property that zoning explicitly states is too small for this use. Section 330.3 states "The R-4 District shall not be an apartment house district as contemplated under the General Residence (R-5) Districts, since the conversion of existing structures shall be controlled by a minimum lot area per family requirement." Furthermore, a text amendment, approved in 2007, reinforced the minimum lot area requirement for apartment conversions in the R-4. The proposed use of the subject property would be contrary to the purpose of the R-4 District.

V. COMMENTS OF OTHER DISTRICT AGENCIES

The property is in the Bladen Alley Historic District. The proposed project has been given concept approval by the Historic Preservation Review Board. No other agency had commented at the time this report was filed.

VI. COMMUNITY COMMENTS

ANC 2F had not filed a recommendation at the time this report was written. There were no other comments on file.